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*Attorneys for Defendants AquaWorks Construction Inc.,  
Randy Wilmeth and Kim Hollenbeck*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

AQUATECH CORPORATION, d/b/a  
UNITED AQUA GROUP, a Delaware  
corporation,

Plaintiff,

v.

AQUAWORKS CONSTRUCTION INC., a  
Colorado corporation; RANDY WILMETH,  
an individual; and KIM HOLLENBECK, an  
individual,

Defendants.

Case No. 2:23-cv-01131-MMD-DJA

**STIPULATION AND ORDER TO  
EXTEND TIME FOR DEFENDANTS TO  
RESPOND TO COMPLAINT**

**(Second Stipulation)**

Defendants AquaWorks Construction, Inc. ("AquaWorks"), Randy Wilmeth ("Wilmeth") and Kim Hollenbeck ("Hollenbeck") (collectively, "Defendants"), by and through their undersigned counsel, and Plaintiff Aquatech Corporation d/b/a United Aqua Group ("Plaintiff"), by and through its undersigned counsel, hereby stipulate and agree, subject to this Court's approval, as follows:

WHEREAS, Plaintiff filed its Complaint initiating this matter on July 19, 2023;

WHEREAS, Defendants were served with the Summons and Complaint on July 31, 2023;

///

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1 WHEREAS, Wilmeth and Hollenbeck are residents of the State of Colorado, and  
2 AquaWorks is a Colorado corporation principally doing business in the State of Colorado;

3 WHEREAS, after being served with the Summons and Complaint, Wilmeth and  
4 Hollenbeck were travelling on a trip planned prior to the initiation of this lawsuit which delayed  
5 their ability to identify, interview and retain legal counsel in Nevada, a State in which  
6 AquaWorks does not regularly conduct business;

7 WHEREAS, the deadline to file a responsive pleading to the Complaint was Monday,  
8 August 21, 2023;

9 WHEREAS, Plaintiff agreed to provide the Defendants up to and including September 5,  
10 2023, to respond to Plaintiff's Complaint;

11 WHEREAS, on August 22, 2023, the Court granted the parties first stipulation to extend  
12 the time for Defendants to respond to the Plaintiff's Complaint on September 5, 2023 (ECF No.  
13 12);

14 WHEREAS, the parties have had discussions and are exchanging information and  
15 documents in hopes of coming to an early resolution of this lawsuit, which requires additional  
16 time to continue such discussions and exchange information/documents and, as such, mutually  
17 agreed to a three-week extension for Defendants to respond to Plaintiff's Complaint;

18 WHEREAS, this is the second stipulation filed with this Court to extend the time for the  
19 Defendants to respond to Plaintiff's Complaint and the stipulation is made in good faith and not  
20 to delay this matter;

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1 ACCORDINGLY, the Parties hereby request that the Court grant this Stipulation to  
2 extend the deadline for Defendants to file a responsive pleading to the Complaint up to and  
3 including September 26, 2023.

4 DATED this 31st day of August, 2023.

DATED this 31st day of August, 2023.

5 SEMENZA KIRCHER RICKARD

LEWIS ROCA ROTHGERBER CHRISTIE  
LLP

6  
7 /s/ Christopher D. Kircher

/s/ Benjamin Struby

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13 *Attorneys for Defendants AquaWorks*

14 *Construction Inc., Randy Wilmeth*

15 *and Kim Hollenbeck*

*Attorneys for Plaintiff*

16 **ORDER**

17 IT IS SO ORDERED.

18   
UNITED STATES MAGISTRATE JUDGE

19 DATED: 9/5/2023  
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